

Exh. D

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1 Q. Did he talk to various sellers of firearms at
2 gun shows?
3 A. I don't remember. I wasn't paying -- I had
4 my -- I had my son at the time. Like I wasn't paying
5 attention to Devin. I just know that he looked at guns,
6 and I was taking care of my son.
7 Q. I'm going to show you another exhibit. I
8 believe this is Exhibit -- going to be marked Exhibit 5.
9 This is a suspicious activity report from the United
10 States Department of Treasury regarding financial
11 transactions by Devin Kelley. I want to show you the
12 Bates page Texas Rangers 00006233. It talks about the
13 purchase by Devin of --
14 A. It's blurry.
15 Q. Can you read it?
16 A. It's really like tiny and blurry --
17 MR. HOROWITZ: Yeah.
18 A. -- on my end.
19 Q. (BY MR. STERN) Okay. I'm going to try to blow
20 this up there. How is that?
21 MR. HOROWITZ: It's bigger but -- yeah,
22 there you go.
23 Q. (BY MR. STERN) Ms. Shields -- Ms. Smith, is
24 that better?
25 A. Yes.

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1 Q. Okay. I want to show you what I'm highlighting
2 here. It states, "On August 6th, 2017, the subject,
3 using PayPal account number, purchased AR-500 body
4 armor, bulletproof vest, BAM low profile, base frag
5 coating black via eBay." Were you aware of this
6 purchase by Devin of a -- of body armor?
7 A. No.
8 Q. So, he concealed the fact that he purchased
9 body armor from you in August, 2017?
10 MR. WEBSTER: Objection, form.
11 Q. (BY MR. STERN) You can answer.
12 A. Oh, I -- I didn't know. He kept all purchases
13 from me. That were mailed to the house, I should say.
14 Sorry. He kept purchases that were mailed to the house
15 from me. Like I didn't know what they were.
16 Q. So, you were unaware of Devin purchasing body
17 armor at that time?
18 MR. HOROWITZ: Objection, asked and
19 answered.
20 Q. (BY MR. STERN) Ms. Smith?
21 A. Correct.
22 Q. I also want to show you one more purchase, and
23 that is what I've highlighted here, purchase of note,
24 June 6, 2016, Devin, according to this report, made
25 purchases at LA Police Gear, an online --

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1 A. Yes.
2 Q. -- police and tactical gear retailer. Do you
3 know what he purchased at LA Police Gear in June of
4 2016?
5 A. No.
6 Q. The next purchase is May, 2017 at
7 knifecenter.com. Are you aware of what Devin purchased
8 from knifecenter.com in May of 2017?
9 A. No.
10 Q. It continues by stating, "Between December 7th,
11 2015 and November 3rd, 2017, at Academy Sports locations
12 in Selma, San Antonio and San Marcos, Texas, a seller of
13 firearms, ammunition and sporting goods, there were nine
14 transactions total -- totalling \$356.64, ranging from
15 \$9.65 to \$107.12, with a transaction of 107.12 occurring
16 on November 3rd, 2017." Did I read that correctly?
17 A. Yes.
18 Q. And do you recall Devin making approximately
19 nine transactions at Academy Sports?
20 A. Okay. So, to clarify on the Academy ones, I
21 was there for the other eight of the transactions. The
22 ninth one, the one that was on -- a couple of days
23 before the shooting, I wasn't there when he bought
24 that -- that one, which ended up being the gun that he
25 brought home. I wasn't there. He just went out and

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1 bought it.
2 The other ones, I was there but I -- for
3 the AR one, buying, right -- and he bought the AR and
4 then he bought the magazines. So -- yeah. Yeah. Yeah,
5 he bought the AR and then he bought the magazine
6 together, and then after that, he bought like the
7 magazines separate periodically. But during then, it
8 wasn't anything like, I guess, suspicious. It was
9 just -- I don't know -- him wanting to go, and I wasn't
10 thinking anything of it.
11 Q. So, I just want to clarify. What you're saying
12 is that the last transaction, the transaction of -- for
13 \$107.12 occurring on November 3rd, 2017, you were not
14 there for that transaction, correct?
15 A. Correct.
16 Q. But you were there for the previous eight
17 transactions?
18 A. Yes.
19 Q. Okay. Thank you.
20 Do you recall any other transactions at
21 Academy besides -- besides the eight that we just
22 discussed?
23 A. Besides him buying ammo and the magazines and
24 the gun, no.
25 Q. One of those transactions included the

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1 Q. How did he -- did he propose to you?

2 A. I mean, I guess if you call it proposing.

3 Q. Well, what would you call it?

4 A. It wasn't proposing. It was just like, "Do you

5 want to get married?"

6 And I was like, "I guess. Sure." And then

7 we got married.

8 Q. Did you have hesitations marrying him?

9 A. I was a kid. I did not know anything.

10 Q. But my question was did you have any

11 hesitations before you married him?

12 A. At first, I didn't -- I shouldn't have -- yeah.

13 At first, I was like, "Should I be doing this?" But I

14 think anybody has that.

15 Q. At this point, was he abusive to you?

16 A. He just would -- he would push me, but I was

17 like, oh, he won't do it again, you know.

18 Q. Did --

19 A. It wasn't bad.

20 Q. Did you suspect that he had any -- he had any

21 mental health issues at the time?

22 A. No.

23 Q. Did you suspect that he was having a sexual

24 relationship with any other women at the time?

25 A. No.

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1 Q. Did you suspect that he was still suicidal at

2 the time?

3 A. No.

4 Q. Did you suspect at the time that he was abusive

5 to any other women?

6 A. No.

7 Q. Then in 2014, you also moved with Devin to

8 Colorado, correct?

9 A. Yes.

10 Q. How many times did you and Devin move to

11 Colorado?

12 A. I don't remember. Several. Four times maybe,

13 five times.

14 Q. So, four or five times, you moved back and

15 forth between Texas and Colorado?

16 A. Yes.

17 Q. Why did you move back and -- why did you move

18 back and forth so many times?

19 A. Because he wanted to.

20 Q. Why did he want to?

21 A. I don't know. He wanted to.

22 Q. I think previously you might have said that he

23 liked trails, he liked hiking in Colorado. Did he like

24 the atmosphere in Colorado?

25 A. Yeah, he did. I mean, I like Colorado, but I

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1 mean, I can't speak for why he wanted to keep going back

2 so many times.

3 Q. You were married to him and he never explained

4 to you why he moved the family back and forth four or

5 five times between Texas and Colorado?

6 A. Yeah. I don't really get a say in anything --

7 with anything. What he said went. So, when he said

8 time to go, it was time to go.

9 Q. So, even if you didn't want to move to

10 Colorado, he would have told you to move to Colorado

11 and, as a result, you did?

12 A. It was time to go to Colorado.

13 Q. And you wouldn't have had a choice in the

14 matter, correct?

15 A. I mean, that was what he said, it was time

16 to go. I mean, I don't know how else to answer the

17 question. It was just when he said to go to Colorado,

18 it's time to go to Colorado.

19 Q. Correct. Ms. Smith, I'm sorry, it wasn't a

20 gotcha question. I guess I'm -- I'm just trying to get

21 an understanding of he instructed you to do something

22 and there wasn't a conversation, instead, you did it

23 because that's what he told you to do, correct?

24 A. Many times, yes.

25 Q. When you say many times, what other types of

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1 things?

2 A. Just -- I don't know. Little petty things,

3 like diapers, you know, stuff for the kids, I had more

4 say so because I'm the caregiver of the kids.

5 Q. But for other instances where he wanted to

6 do -- to do something and he didn't much care whether or

7 not you wanted to, can you give some examples along

8 those lines?

9 A. I don't know. He wanted to go buy something,

10 he went and bought it. I didn't get a say so in that.

11 Q. Would he instruct you to go buy things for him

12 that you didn't want to buy?

13 A. No. He did everything. He controlled

14 everything. He had the credit card. He had the money.

15 If I wanted to get something like diapers, he would hand

16 me the money to get diapers, but if he wanted everything

17 else, he did it.

18 Q. Right. But if -- so, if he wanted you to buy

19 something, he would hand you the money and instruct you

20 to go buy it, correct?

21 A. That's for diapers and anything, but if he

22 wanted everything else, he did it.

23 Q. Yeah.

24 A. And if -- and if he didn't -- you know, that

25 was the basics of everything.

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1 Q. Did Devin work while you lived in Colorado?

2 A. Very briefly.

3 Q. Where did he work?

4 A. I think it was like at a Wal-Mart.

5 Q. How long did he work there for?

6 A. I don't really remember. I think it was like a

7 couple of months. Not very long. He couldn't hold --

8 hold a job very long.

9 Q. Why couldn't Devin hold a job very long?

10 A. He didn't like working.

11 Q. Was he -- do you -- do you think he was lazy?

12 A. Yes.

13 (Sotto voce discussion.)

14 Q. (BY MR. STERN) Did you and Devin have your

15 first child when you were living in Colorado?

16 A. Yes.

17 Q. How would you describe Devin as a father?

18 A. That's one thing I can say he did good at with

19 my son.

20 Q. How so?

21 A. When I would work, he took care of my son. He

22 helped my son learn how to walk. He fed my son. He was

23 really gentle with my son. Like I can't really say,

24 "Oh, he was such a, you know, terrible person like

25 that." He was -- like he took really good care of my

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1 son.

2 Q. Do you think having a child gave Devin purpose?

3 A. Yes.

4 Q. Do you think it gave Devin something to live

5 for?

6 A. Yes.

7 Q. Do you think having a child was something

8 positive in Devin's life?

9 A. Yes.

10 Q. When you and Devin lived in Colorado, you took

11 on a roommate named Emily Willis; is that correct?

12 A. Correct.

13 Q. How did you meet Ms. Willis?

14 A. I worked with her at Texas Roadhouse.

15 Q. Do you recall an incident where Ms. Willis

16 reported that Devin was abusing your child?

17 A. Very vaguely.

18 Q. What do you recall about that incident?

19 A. I know her and I discussed where I found a hand

20 print on Michael's leg, where I wasn't in the room at

21 the time and my -- I asked Devin about it. He said he

22 held my son's leg too tight.

23 And I told her about it, and she said

24 otherwise, that he was lying about it. And then she

25 told me to report it. I don't really remember much

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1 after that.

2 I know after that, Devin found out that I

3 had told her about it, and he packed us up in the middle

4 of the night and moved us out to Texas.

5 Q. This was approximately in July of 2015?

6 A. Yes.

7 Q. So, when you saw the handprint on your -- on

8 your son, did you suspect that it was child abuse?

9 A. I confronted Devin about it. I asked him

10 before, you know, making accusations. I wanted to be

11 able to come to the full story.

12 And he said he held on to my son's leg too

13 tight. I disclosed to him a proper and better way of

14 changing my son's diaper besides holding him on -- from

15 one hand onto his leg. And from that conversation, my

16 children never had any bruises or markings on them.

17 Q. Uh-huh. So, you -- did you believe Devin when

18 he explained the reason -- his reasoning for the -- for

19 the handprint?

20 A. At that time, yes.

21 Q. Did Emily Willis believe it?

22 A. Oh, I don't know. I can't speculate for her.

23 Q. Well, do you know that she reported the

24 incident, regardless of Devin's explanation?

25 A. At this time, yes.

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1 Q. Did you know at that time?

2 A. I know I got a call from, I guess, the police

3 department, and they called to ask if I was okay and if

4 my son was okay.

5 And I stated, "Yes, my son is perfectly

6 fine and I'm perfectly fine," but other than that, there

7 was, I guess, no further of -- of anything.

8 Q. Ms. Smith, I'm showing you an exhibit that is a

9 Colorado Springs Police Department case report. This

10 stems from Ms. Willis contacting the police regarding

11 the -- the alleged child abuse.

12 I want to turn your attention to a few

13 statements from Ms. Willis. The report reads, "She

14 stated that she is close with Danielle. She said

15 Danielle has told her things about her relationship with

16 Devin which have concerned her. She stated Danielle

17 told her that Devin had been physically violent with

18 Danielle. She said Danielle explained that she was

19 pregnant with a child before Michael, and Devin beat her

20 so much, she lost the baby. She stated Danielle told

21 her that Devin hit -- that Devin hit Danielle shortly

22 before she gave birth to Michael." Did I read that

23 correctly?

24 A. Yes.

25 Q. Are those statements accurate?